IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No.16959 of 2006

Dated:04.12.2006

Between

Muralidhar

..... PETITIONER

And

The General Manager, Disbursing Officer,
Hindustan Aeronautics Limited,
Hyderabad.

.....RESPONDENT

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.16959 of 2006

ORDER:

The petitioner, who retired as Assistant Engineer in Hindustan Aeronautics Limited, Balanagar, Hyderabad, has filed this writ petition seeking a writ of Mandamus to direct the respondent to release the retirement benefits due to him.

The grievance of the petitioner is that though he retired in the month of June 2006, without any authority of law and without any valid reason, the retirement benefits

including the gratuity and provident fund amounts are not being paid to him.

In the counter affidavit filed on behalf of the respondent, it is stated that certain third parties have filed the suits - O.S.No.496 of 2006 on the file of the II Senior Civil Judge, Secunderabad, for recovery of money against the petitioner and O.S.No.415 of 2006 on the file of the II Additional District Judge, Ranga Reddy District, in which interlocutory orders were passed to withhold the retirement benefits of the petitioner subject to the exemptions mentioned under Section 60 of the Code of Civil Procedure (for short 'C.P.C').

Under Section 60 C.P.C., there is an exemption for attachment of the gratuity and provident fund amounts. So far as the provident fund amount is concerned, it is stated that the same has already been credited to the account of the petitioner. The respondent is willing to pay the gratuity amount due to the petitioner, but the petitioner has not approached its office. With regard to the other benefits which are payable to the petitioner, it is for him to approach the Civil Court for vacation of the orders. Inasmuch as there is an order of the Civil Court to withhold the other retirement benefits of the petitioner, no direction can be

given for payment of the said amounts. Further, as the provident fund amount has already been credited to the account of the petitioner, I deem it appropriate to dispose of the writ Petition directing that the amount of gratuity and any other amounts due to the petitioner, which are exempted under Section-60 C.P.C., be paid to him by way of hading over the Account Payee cheque only.

Subject to above directions the writ petition is disposed of. No order as to costs.

_____

R.SUBHASH REDDY, J

04.12.2006
DR